REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-26 remain pending. Claims 1, 11, 16, 21, and 24 are independent.

SCOPE OF CLAIMS NOT ALTERED

Claims have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same.

§ 103 REJECTION - ILG, GILBERT

Claims 1-4, 6-18, and 20-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ilg et al. (USPN 4,829,297, hereinafter "Ilg") in view of Gilbert et al. (USPN 5,297,144) (hereinafter "Gilbert"). Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish a *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P.*

706.02(j). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part, "the primary station configured for sending the **refresh request** and a polling request" *Emphasis added.* Independent claims 11, 16, 21, and 24 all recite a similar feature. Contrary to the assertion made in the Office Action, Ilg fails to teach or suggest this feature.

In the Office Action, the following portions of Ilg - column 1, lines 17-19; column 2, lines 20-22, and Figure 1 - were relied upon to show the above-noted feature. *See Final Office Action, item 2, 2nd bullet.* However, none of the portions teaches or suggests - either explicitly or implicitly - the refresh request feature. Column 1, lines 17-19 merely indicate that remote stations are connected to a master controller via communication links. Column 2, lines 20-22 merely indicate that some remote stations have higher priority data to send to the master controller than other remote stations. Finally, Figure 1 merely shows a configuration of a master controller 14 and multiple remote stations 10-13 and 15-20 all being connected to

a network 50. The particular portions cited cannot in any way be interpreted to teach or suggest the above-noted feature.

Further, Ilg cannot be relied upon to teach or suggest the refresh feature at all simply because Ilg is silent regarding the existence of the feature. Indeed, the system and method disclosed in Ilg simply does not require a separate refresh feature.

More specifically, Ilg is directed to sequentially polling remote stations assigned to one of two groups - fast and slow. *See column 5, lines 15-19.* The stations in the fast group send priority data and thus are polled more often than the stations in the slow group. *See column 5, lines 23-29.* In general, the stations in the slow group are polled individually and responded to until an interrupt occurs, at which point the fast group stations are polled and responded to. After completion of the fast group polling, polling of the slow group stations is resumed. *See column 5, lines 30-52.*

The polling and responding are the same for either the slow station or the fast station. *See column 5, lines 47-49.* In the polling routines, a particular station is polled. If the data is received from that station, the main controller acts upon the data. If the data is not received, that station is put on

inactive status. The next station is not polled until the activity related to the current station is completed. *See Figures 6A, 6B, and 8, and corresponding descriptions.* In other words, at any given moment of time, only one station is being dealt with - **there is no simultaneous transmission of any kind to multiple stations.**

It is important to note that the master controller polls remote stations in the order listed in the tables 38 and 39. *See Ilg, Figures 3 and 4.* When a particular station is polled, either a valid data is received from the remote station or the remote station is put on inactive status. *See Ilg, Figure 8; column 7, line 39 - column 8, line 19.* Because everything is determined at the polling stage, **a separate refresh is simply not required.**

In sum, Ilg cannot be relied upon to teach or suggest the above-noted feature. Gilbert has not been relied upon to correct for at least this deficiency of Ilg.

Then it naturally follows that Ilg and Gilbert may not be relied upon to teach or suggest "a plurality of secondary stations each configured for receiving **a refresh request**" as well. *Emphasis added.*

It also naturally follows that Ilg and Gilbert may not be relied upon to teach or suggest "a plurality of secondary stations each configured for receiving a refresh request **in a determined time**." It is clear that Ilg does not enforce any limit to the amount of communication between the primary and secondary stations. As noted above, if a secondary station has data to send to the primary station, the next station is not polled until the activity related to the current station is completed. It is true that the slow station may be interrupted, but this interruption cannot be interpreted in any reasonable manner to teach or suggest "in a determined time" feature.

Another requirement to establish the *prima facie case* of obviousness is that there must be a suggestion or motivation within the cited reference(s) to modify the reference(s) as proposed in the Final Office Action. *See M.P.E.P. 2143.01.* The cited reference must be considered in its entirety. *See M.P.E.P. 2141.02.* If the proposed modification renders the cited reference unsatisfactory for its intended purpose, then by definition, there is no suggestion or motivation to make the proposed modification. *See M.P.E.P. 2143.01.* Thus, if the proposed modification renders the cited reference unsatisfactory for its intended purpose, the rejection must also fail.

In this instance, it is asserted that Ilg may be modified by Gilbert. However, such modification renders Ilg unsatisfactory for its intended purpose and therefore the combination is improper.

In Ilg, it is important to be able to categorize the remote stations into the fast and slow groups. Categorizing allows the high priority stations (the fast group) to be polled more frequently than the low priority stations (the slow group). *See Ilg, column 2, lines 42-46.* Note the priority is fixed - in other words, the fast group of stations are always prioritized (**polled more frequently**) than the slow group of stations. *(Emphasis added).*

However, if Ilg is modified as suggested, the prioritizing of the stations, which is very important to Ilg, would not exist. More specifically, Gilbert describes a two-stage reservation polling protocol - a reservation request period and a data polling period. In the reservation request period, a central station broadcasts to **all** remote stations to start the period and allocates fixed time slots during which any remote station can reserve a portion of a channel for communication. *(Emphasis added).* In the data polling period, all remote stations that reserved the times slots are polled and responded to accordingly.

See Gilbert, Figures 3 and 4; column 3, lines 26-51; column 7, line 23 - column 8, line 12. The polling ends upon the completion of the response of the last station on the list.

With this type of reservation-based protocol, all remote stations are treated the same and thus there can be no prioritizing such that the high priority stations are polled more frequently than the low priority stations.

It is noted that Gilbert discloses a notion of including priority flags. However, these priority flags are for prioritizing **messages**, not prioritizing the stations. *See Gilbert, column 8, lines 13 - 17.* For example, a remote station 1 may have a higher priority message when compared to a remote station 2 in one time frame, but the reverse situation may be true in a different time frame.

Further, regardless of the priority, if a particular station reserves a time slot during the reservation request period, it will be polled within the corresponding data polling period. As explained in Gilbert, normally during the data polling period, the remote stations are polled in order. However, if stations 3 and 6 indicate they have high priority messages, then during the polling period, the polling list may appear as: P3, P6, P1, P2, P4, and P5. *See Gilbert, column 34-*

49. But note that regardless of the priority, all 6 stations are polled during the data polling period.

Simply stated, with this reservation system, there is no way to prioritize stations such that the high priority stations are polled more frequently. Therefore, modifying Ilg as suggested with Gilbert renders Ilg unsatisfactory for its intended purpose and any rejection based on a combination of these references is improper.

Applicants also note the following. In rejecting claim 1, column 1, lines 17-19 and column 2, lines 20-22 of Ilg have been relied upon, to teach or suggest one of the elements. However, column 1, lines 17-19 are part of the background description. The background represents a different embodiment altogether from that described in column 2, lines 20-22. As such, to satisfy the burden of establishing the *prima facie* case of obviousness, it was required to show a line of reasoning regarding how the two portions relied upon could be combined in the Office Action. Clearly, this was not provided.

Therefore, for at least the reasons stated above, independent claims 1, 11, 16, 21, and 24 are distinguishable over the combination of Ilg and Gilbert. Claims 2-4, 6-10, 12-15, 17-18, 20, 22-23, and 25-26 depend from independent claims 1,

11, 16, 21, and 24 directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims as well as on their own merits, these dependent claims are also distinguishable over the combination of Ilg and Gilbert.

Applicants respectfully request that the Section 103 rejection of claims 1-4, 6-18, and 20-26, based on Ilg and Gilbert, be withdrawn.

§ 103 REJECTION - ILG, GILBERT, DAVIS

Claims 5 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ilg in view of Gilbert and in further view of Davis et al. (USPN 4,363,093, hereinafter "Davis"). Applicants respectfully traverse.

It has been shown above that the combination of Ilg and Gilbert may not be relied upon to teach or suggest "the primary station configured for sending the refresh request and a polling request" and may not be relied upon to teach or suggest "a plurality of secondary stations each configured for receiving a refresh request in a determined time" as claimed in claim 1. Claim 16 recites similar features. Further, it has been shown above that the combination of Ilg and Gilbert is improper because Ilg would be rendered unsatisfactory for its intended

purpose. Davis has not been, and indeed cannot be, relied upon to correct for at least these deficiencies of Ilg and Gilbert.

Therefore, independent claims 1 and 16 are distinguishable over the combination of Ilg, Gilbert, and Davis. Due to at least their dependencies thereon, claims 5 and 19 are also distinguishable over the combination of Ilg, Gilbert, and Davis.

Applicants respectfully request that the Section 103 rejection of claims 5 and 19, based on Ilg and Gilbert, be withdrawn.

REBUTTAL TO EXAMINER'S RESPONSE TO ARGUMENTS

In the Final Office Action, the Examiner provided responses to the arguments presented in the 111 Reply filed on May 27, 2003. *See Final Office Action, pages 11-12.*

(a) Applicants argued that Ilg fails to teach or suggest "the primary station ... configured for sending the synchronization request simultaneously to the plurality of the secondary stations." It is plainly admitted that Ilg fails to teach or suggest at least this feature. *See Final Office Action, page 3, third bullet.* However, as shown above, Gilbert introduces other defects including rendering Ilg unsatisfactory for its intended purpose. In addition,

Ilg and Gilbert cannot teach or suggest all claimed elements, individually or in combination, as shown above.

(b) Applicants argued that Ilg fails to teach or suggest "a primary station configured for sending a refresh request and a polling request in a specific order without having each secondary station address in a determined time." First, it has been shown abve that Ilg cannot be relied upon to show **refresh** request of any type. Second, it is difficult to understand the logic presented in the Final Office Action. It is admitted that Ilg discloses polling remote devices sequentially each one in order. The portions relied upon in the Final Office Action to show the above-noted feature merely indicates that each remote device is polled sequentially. Further, it is specifically stated that the "memory of the master controller contains a list of all of the remote devices." *See column 1, lines 38-40.* This clearly indicates that the list of remote devices is maintained outside of any predetermined time. Therefore, it is clear that the above-noted feature is not taught or suggested in Ilg.

(c) Applicants argued that Ilg fails to teach or suggest "the secondary station responds in a response frame of a compact

type by using flag code which is different from a flag code of the primary system" as recited in claim 4, "the secondary station … monitoring … a response from another secondary station" as recited in claim 12, "the secondary station has a monitoring responder" as recited in claim 13, "wherein the primary station provides a field … the secondary station stops a normal refresh response based on the field" as recited in claim 14, and "responding in a response frame of a compact type from the secondary station by using a flag code which is different from a flag code of the primary station" as recited in claim 18. To this, it is indicated that the arguments fail to comply with 37 C.F.R. 1.111(b) because the arguments amount to a general allegation. Applicants respectfully disagree. Applicants demonstrated that the above-noted features are not taught or suggested in Ilg. In particular, it was demonstrated that Ilg provides no description of the capabilities of the remote stations other than being able to respond to the polling request of the program controller. The language of the claims patentably distinguish them from the relied upon references because it was demonstrated that Ilg is silent regarding these particular features.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1. 17; particularly, extension of time fees.

Respectfully submitted,

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